

Public Chapter 380

HOUSE BILL NO. 1674

By Representatives Haley, Bowers

Substituted for: Senate Bill No. 1735

By Senators Jordan, Gilbert

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 18, relative to methods of serving summons in forcible entry and detainer actions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-18-115, is amended by adding the following language as a new, appropriately designated subsection:

() (1) In addition to the methods set out in this section, service of process for an action commenced under this chapter shall be good and sufficient to enable the landlord to regain possession of his property if the sheriff of the county in which the action is brought, or such sheriff's deputy, personally serves a copy of the warrant or summons upon any named defendant who has a contractual or possessory property right in the subject premises.

() (2) If the sheriff is unable to serve any such named defendant personally, or if after three (3) attempts of personal service of process during a ten (10) day period with such attempts being documented on the face of the warrant, no such person is found in possession of the premises, service of process for determining the right of possession of the subject premises as to all who may have a contractual or possessory property right therein may be had by the sheriff of the county, or such sheriff's deputy, taking the following actions at least ten (10) days prior to the date specified therein for the defendant(s) to appear and make a defense: (i) posting a copy of the warrant or summons on the door of the premises, and (ii) sending by United States Postal Service first class mail with certificate of mailing a copy of the warrant or summons to the so named defendant(s) at the last known address, if any, and (iii) making an entry of this action on the face of the warrant or summons filed in the case. The method of service of process provided for in this subdivision shall be used only after the defendant who has a contractual or possessory property right in the subject premises is more than ten (10) days past due on rental installment payments or has held over after expiration of proper notice of termination of tenancy for more than ten (10) days. The provisions of this subdivision shall apply only to the service of process in an action brought to regain possession of real property, and shall not apply to the service of process in any action seeking monetary judgment.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.